Case 1:23-cv-01065-AS Document 38 Triledu09/15/23/edPlaggerfledfs2pulation. Court approval is not needed for this kind of agreement. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 37.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK -----X MARIA WELLS,

Plaintiff,

-against-

ROSE & ROSE,

SO ORDERED

Arun Subramanian, USDJ September 15, 2023

Case No. 1:23-cv-1065 (AS)

STIPULATION RESOLVING DISCOVERY DISPUTE

Defendants

LAW OFFICES OF ROSE & ROSE, PLLC,

Defendants. -----X

**WHEREAS**, on July 6, 2023, Plaintiff filed an Amended Complaint wherein she alleged, *inter alia*, that she "had difficulty sleeping, had headaches that lasted for days, as well as diarrhea" and "lost almost thirty pounds over the course of the litigation" with Defendants in New York City Civil Court (the "Civil Court Action") and sought actual damages "including emotional distress;"

**WHEREAS**, on August 18, 2023, Defendants served Plaintiff with their Second Set of Interrogatories and Second Requests for Production (collectively, the "Discovery Requests") seeking, *inter alia*, documents and information relating to Plaintiff's physical and mental condition during the Civil Court Action;

**WHEREAS**, on August 25, 2023, Plaintiff objected to the Discovery Requests seeking medical records and HIPAA authorizations relating to Plaintiff's physical and mental condition during the Civil Court Action

**WHEREAS**, counsel for Plaintiff and Defendants have met and conferred regarding the Discovery Requests and the allegations in the Amended Complaint and reached a resolution;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that

1. Plaintiff withdraws the allegation in the second sentence of paragraph 93 of the Second Amended Complaint so that paragraph 93 now reads as follows: "Throughout the

pendency of the litigation, Ms. Wells had difficulty sleeping, had headaches that lasted for days, as well as diarrhea."

- 2. Plaintiff further stipulates that she is only seeking garden variety emotional distress and does not intend to submit any medical documentation in support of her claims at trial.
- 3. In consideration for Plaintiff's stipulations in paragraphs 1-2 of this agreement, Defendants withdraw their Interrogatory Nos. 6 through 8 in Defendants' Second Set of Interrogatories and Request Nos. 13 through 17 in Defendants' Second Requests for Production, and withdraw their other Interrogatories solely to the extent they seek information concerning weight loss.

IT IS FURTHER STIPULATED AND AGREED that this stipulation may be executed in counterparts and facsimile of this stipulation shall be considered an original for all purposes.

Dated: September 8, 2023

**Manhattan Legal Services** 

Kaufman Dolowich & Voluck, LLP

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By:	/s/ Mary McCune	By: /s/ Adam M. Marshall
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	Attorneys for Plaintiff	
SO C	ORDERED:	
—— HON	I. ARUN SUBRAMANIAN, U.S.D.J.	Dated: September 15, 2023